

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

MACK S. SMITH,

Petitioner,

v.

TRACY W. JOHNS,

Respondent.

**Judgment in a Civil Case**

Case Number: 5:11-HC-2117-BO

**Decision by Court.**

This action came before the Honorable Terrence W. Boyle, United States District Judge, for an initial review under 28 U.S.C. § 2243.

**IT IS ORDERED AND ADJUDGED** that this action is hereby dismissed without prejudice to allow petitioner the opportunity to exhaust his administrative remedies .

This Judgment Filed and Entered on September 30, 2011, with service on:  
Mack S. Smith 59923-019, LSCI - Butner, P.O. Box 999, Butner, NC 27509 (via U.S. Mail)

September 30, 2011

/s/ Dennis P. Iavarone

Clerk